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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,445	06/29/2001	Raj Prakash	SP-6052 US	9011
22120	7590	07/21/2004	EXAMINER	
ZAGORIN O'BRIEN & GRAHAM, L.L.P.			ROCHE, TRENTON J	
7600B N. CAPITAL OF TEXAS HWY.			ART UNIT	
SUITE 350			PAPER NUMBER	
AUSTIN, TX 78731			2124	

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/895,445

Applicant(s)

PRAKASH ET AL.

Examiner

Trent J Roche

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This office action is responsive to communications filed 29 June 2001.
2. Claims 1-25 have been examined.

### *Claim Objections*

3. Claim 7 is objected to because of the following informalities: the claim ends with two periods. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 20 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 20 recites the limitation "The method of claim 19..." in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 19 does not disclose a method, and this would appear to be simply a typo. For purposes of examination, the claim will be interpreted to read "The apparatus of claim 19..."

7. Claim 23 recites the limitation "The computer program product of claim 2" in line 1. There is insufficient antecedent basis for this limitation in the claim. Claim 2 does not disclose a computer program product, and this would appear to be simply a typo. Furthermore, it is unclear whether the

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applicant intends claim 23 to be dependent on claim 2, 21 or 22. For purposes of examination, the claim will be interpreted to read "The computer program product of claim 22..."

*Claim Rejections - 35 USC § 102*

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,778,212 to Dehnert et al, hereafter referred to as Dehnert.

**Per claim 1:**

Dehnert discloses:

- a method for compiling program files ("a conventional compilation system..." in col. 6 line 38)
- optimizing the program files into object files, wherein the object files are comprised of information indicating optimization ("The intermediate '.o' files...are written in an extended object file format and contain...the summary information within a program unit that might later be used..." in col. 8 lines 33-37)
- maintaining cross modular functional relationship between object files ("performs cross-program unit analysis and optimization" in col. 9 lines 21-22)

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- extracting the information indicating optimization (“the IPA/IPO phase inputs and analyzes the intermediate ‘.o’ files...uses the summary information contained in the intermediate ‘.o’ files...” in col. 9 lines 18-21)
- linking the object files to create an executable object file (“The linkage editor...inputs the object ‘.o’ files...resulting from the compilation and generates an executable program...” in col. 10 lines 9-11)

substantially as claimed.

**Per claim 2:**

The rejection of claim 1 is incorporated, and further, Dehnert discloses creating intermediate representation files prior to optimizing the program files as claimed (Note Figure 4 and the corresponding sections of the disclosure.)

**Per claim 3:**

The rejection of claim 2 is incorporated, and further, Dehnert discloses extracting information regarding the intermediate representation files as claimed (“the IPA/IPO phase inputs and analyzes the intermediate ‘.o’ files...uses the summary information contained in the intermediate ‘.o’ files...” in col. 9 lines 18-21)

**Per claim 4:**

The rejection of claim 1 is incorporated, and further, Dehnert discloses information related to code generators as claimed (“the IPA/IPO phase has access to the compilation options in each intermediate ‘.o’ file...” in col. 8 lines 42-43)

**Per claim 5:**

The rejection of claim 1 is incorporated, and further, Dehnert discloses extracting the information related to code generators as claimed (“the IPA/IPO phase has access to the compilation options in each intermediate ‘.o’ file...” in col. 8 lines 42-43)

**Per claim 6:**

Dehnert discloses:

- a framework for compiling program files (“a conventional compilation system...” in col. 6 line 38)
- an optimizer for optimizing program files into object files, wherein the object files are comprised of information indicating optimization (“The intermediate ‘.o’ files...are written in an extended object file format and contain...the summary information within a program unit that might later be used...” in col. 8 lines 33-37)
- wherein the optimizer further extracts the information indicating optimization (“the IPA/IPO phase inputs and analyzes the intermediate ‘.o’ files...uses the summary information contained in the intermediate ‘.o’ files...” in col. 9 lines 18-21)
- a linker linking the object files to create an executable output file (“The linkage editor...inputs the object ‘.o’ files...resulting from the compilation and generates an executable program...” in col. 10 lines 9-11)

substantially as claimed.

**Per claim 7:**

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The rejection of claim 6 is incorporated, and further, note the rejection regarding claim 2.

**Per claim 8:**

The rejection of claim 7 is incorporated, and further, note the rejection regarding claim 3.

**Per claim 9:**

The rejection of claim 6 is incorporated, and further, note the rejection regarding claim 4.

**Per claim 10:**

The rejection of claim 9 is incorporated, and further, note the rejection regarding claim 5.

**Per claims 11-25:**

Claims 11-15, 16-20 and 21-25 are directed to a computer system, an apparatus and a computer program product, respectively, for performing the methods of claims 1-5, respectively, and are rejected for the reasons set forth in connection with claims 1-5, respectively.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trent J Roche whose telephone number is (703)305-4627. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703)305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trent J Roche  
Examiner  
Art Unit 2124

TJR



**ANIL KHATRI**  
**PRIMARY EXAMINER**